

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN MADDEN,	X	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO:
-vs-	:	
	:	
KEOLIS COMMUTER SERVICES, LLC.		
	:	
Defendant.	:	
	X	

COMPLAINT

COUNT I

1. The plaintiff is a resident of Rutland, Massachusetts and brings this action against the defendant, Keolis Commuter Services, LLC. Keolis is a railroad corporation established as a foreign Limited Liability Company registered with the Massachusetts Secretary of State's Corporations Division, and is authorized to conduct business in Massachusetts, with a principal place of business at 470 Atlantic Avenue, Boston, Massachusetts 02210. This action is brought by virtue of the provisions of the Federal Employers' Liability Act, 45 U.S.C.A., Section 51, et seq.
2. During all the times herein mentioned, the defendant was a common carrier, engaged in the business of interstate commerce, and, as such, operated a railroad in such business between the said Boston, Massachusetts and Providence, Rhode Island; and, at the time the plaintiff received the injuries complained of, both he and the defendant were engaged in interstate commerce, within the meaning of the said Federal Employers' Liability Act.
3. On or about, September 9, 2019, the plaintiff was employed as an assistant conductor by the defendant and was engaged in his duties for Keolis at their Worcester Yard in Worcester,

Massachusetts, which yard, tracks, rails, engines, trains, crane and all other equipment and appliances appurtenant thereto were owned and/or operated and/or controlled and/or maintained by the defendant, and as a result of the negligence of the defendant, its agents, servants or employees, the plaintiff was injured.

4. On or about, September 9, 2019, the plaintiff sustained serious injuries to his shoulder when he tripped and fell when he was chased by an animal while attempting to throw a switch in Keolis' Worcester Yard. Plaintiff required surgery and extensive physical therapy as a result of the accident. Said injuries were caused by the negligence of Keolis in that:

1. They failed to provide Plaintiff with a reasonably safe place to work.
2. They failed to properly warn the Plaintiff of the animal.
3. They failed to properly inspect the premises.
4. They failed to protect the Plaintiff from known dangers
5. They failed to properly abate the presence of animals in their Worcester Yard.
6. They failed to furnish the Plaintiff with safe and suitable tools & equipment.
7. They failed to provide the Plaintiff with an adequate job safety briefing.
8. They failed to properly clear their Worcester yard from tripping hazards.
9. They violated Keolis safety rules regarding
10. They were otherwise negligent or reckless.

5. As a result of the said accident, the plaintiff was made sick, sore and lame and has suffered great pain of body, anguish of mind and will so continue to suffer for an indeterminate period of time in the future; that prior to said accident, the plaintiff was a strong, able-bodied man, capable of earning and actually earning the wages of an assistant conductor as an employee of the defendant; that as a result of the said accident, the plaintiff has been incapacitated and prevented from engaging in his employment and that the plaintiff may continue to be so incapacitated in the future; that the plaintiff has been and for some time in the future will be

caused to incur expenses for doctors' and hospital services and for medicine in caring for the said injuries.

COUNT II

1. The plaintiff is a resident of Rutland, Massachusetts and brings this action against the defendant, Keolis Commuter Services, LLC. Keolis is a railroad corporation established as a foreign Limited Liability Company registered with the Massachusetts Secretary of State's Corporations Division, and is authorized to conduct business in Massachusetts, with a principal place of business at 470 Atlantic Avenue, Boston, Massachusetts 02210. This action is brought by virtue of the provisions of the Federal Employers' Liability Act, 45 U.S.C.A., Section 51, et seq.
2. During all the times herein mentioned, the defendant was a common carrier, engaged in the business of interstate commerce, and, as such, operated a railroad in such business between the said Boston, Massachusetts and Providence, Rhode Island; and, at the time the plaintiff received the injuries complained of, both he and the defendant were engaged in interstate commerce, within the meaning of the said Federal Employers' Liability Act.
3. On or about, September 9, 2019, the plaintiff was employed as an assistant conductor by the defendant and was engaged in his duties for Keolis at their Worcester Yard in Worcester, Massachusetts, which yard, tracks, rails, engines, trains, crane and all other equipment and appliances appurtenant thereto were owned and/or operated and/or controlled and/or maintained by the defendant and as a result of the failure of the defendant, its agents, servants or employees, to use reasonable care to provide the plaintiff a safe place in which to work and to furnish him with safe and suitable tools, appliances and equipment, the plaintiff was injured.
4. On or about, September 9, 2019, the plaintiff sustained serious injuries to his shoulder when he tripped and fell after being chased by an animal while attempting to throw a switch. Keolis failed to provide Plaintiff with a safe place to work and to furnish him with safe and suitable

tools, appliances and equipment in that plaintiff was exposed to a known animal or animals in the rail yard and Keolis acted in a reckless and negligent manner so as to injure the plaintiff.

5. As a result of the said accident, the plaintiff was made sick, sore and lame and has suffered great pain of body, anguish of mind and will so continue to suffer for an indeterminate period of time in the future; that prior to said accident, the plaintiff was a strong, able-bodied man, capable of earning and actually earning the wages of an assistant conductor as an employee of the defendant; that as a result of the said accident, the plaintiff has been incapacitated and prevented from engaging in his employment and that the plaintiff may continue to be so incapacitated in the future; that the plaintiff has been and for some time in the future will be caused to incur expenses for doctors' and hospital services and for medicine in caring for the said injuries.

WHEREFORE, the plaintiff demands judgment against the defendant in an amount FIVE HUNDRED THOUSAND DOLLARS \$500,000.00. together with interest and costs and such other relief as this Honorable Court may deem necessary.

PLAINTIFF RESERVES THE RIGHT TO A JURY TRIAL

JOHN MADDEN

By his attorneys,

DATE: July 13, 2022

/s/ Christopher C. Naumes

Christopher C. Naumes, BBO #: 6717601

NAUMES LAW GROUP, LLC

2 Granite Avenue, Suite 425

Milton, MA 02186

(617) 227 8444

christopher@naumeslaw.com

Attorney for Plaintiff

/s/ Robert T. Naumes, Sr.

Robert T. Naumes, Sr., BBO #: 367660

NAUMES LAW GROUP, LLC

2 Granite Avenue, Suite 425

Milton, MA 02186
(617) 227 8444
robert@Naumeslaw.com

Attorneys for Plaintiff